THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.24856 of 2005

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Dated:22.11.2005

Between:

Ushodaya Municipal Public Health, Ex Employees Families Welfare Association,(Regd.No.145/1998)
Rep by its Manager, P.Srinivasa Rao, S/o.Malatheeswara Rao, 33 Years, R/o.Narsaraopet, and others.

..... PETITIONERS

AND

Municipal Corporation of Guntur, Rep by its Commissioner, Guntur, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.24856 of 2005

ORDER:

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The Municipal Corporation of Guntur issued a tender notice inviting tenders from registered societies of retired public health workers and registered DWAKRA societies for taking up the sanitation works in various Divisions of Guntur. The petitioners, who are seven in number, filed the present writ petition seeking a writ of Mandamus declaring the action of the first respondent in not reserving 15% of the works to Labour Contract Societies as per Rule 11(2)(vi) of the Municipal Corporation of Hyderabad Tender Rules, 1970 (for short 'the MCH Tender Rules'), which are undisputedly applicable to the Guntur Corporation as well. The said provision mandates that 15% of the works in the Municipal Corporations shall be reserved for entrustment to Labour Contract Societies and Waddera Communities.

The learned Counsel for the petitioners brought to the notice of this Court, the judgment of this Court in **Dalitjathi Labour Contract Co-op.Society v. Commissioner, L.B.Nagar Municipality, Ranga Reddy District** in support of the submission that whenever tenders are invited for sanitation works, the Corporation is under obligation to reserve 15% of the sanitation works to Labour Contract/Waddera Societies as well as societies for Scheduled Castes and Scheduled Tribes. Though the said case arose under the A.P.Municipalities Tender Rules, 1967, the principle in view of Rule 11(2) of the MCH Tender Rules is the same.

Accordingly, this writ petition is disposed of directing the first respondent to take action in accordance with Rule 11(2)(vi) of the MCH Tender Rules at the time of finalisation of the tenders and allot 15% of the works to the petitioners and other eligible societies (as per Rule 11(2)(vi) of the MCH Tender Rules) on nomination basis. No costs.

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(V.V.S.RAO, J)

22.11.2005

vs